

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:10-cv-234

MEINEKE CAR CARE CENTERS, INC.,)
)
)
Plaintiff,)
)
vs.)
)
DENNIS CATTON,)
)
)
)
Defendant.)
)
)
)
)
FOURTH DECLARATION OF
KEVIN HOLLIDAY

I, Kevin Holliday, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an Operations Manager for Meineke Car Care Centers, Inc. and I make this Declaration on personal knowledge.
2. The territory that I cover as an Operations Manager includes the location of former Meineke Center No. 857 located at 691 West 84th Avenue, Thornton, CO 80260.
3. Meineke Center No. 857 was terminated effective January 5, 2010. On December 2 and December 4, 2010, I visited Catton's Auto & RV Service located at 5425 W. 80th Ave, Arvada, CO, 80003. I have visited Catton's Auto & RV Service on several previous occasions and I have observed Dennis Catton operating the business on each of those occasions. Although I did not see Dennis Catton at the location on December 2 and December 4, 2010, the Catton's Auto & RV Service signs are still displayed at the location. The business still displays the same signs advertising brakes. The business has also added some new banners and signs since my last visit, including a

sign that pronounces: "WE NOW SERVICE HYBRID CARS AND SUVS." The business also is now promoting exhaust services through what appears to be a handmade "muffler man" made out of muffler parts, which is being displayed in front of the entry to the customer service area of the location.

4. During my visit on December 2, 2010, I took pictures of the outside of the center, several of which are attached to my Declaration as **Exhibit A**. The pictures accurately depict how the center looked on December 2, 2010.

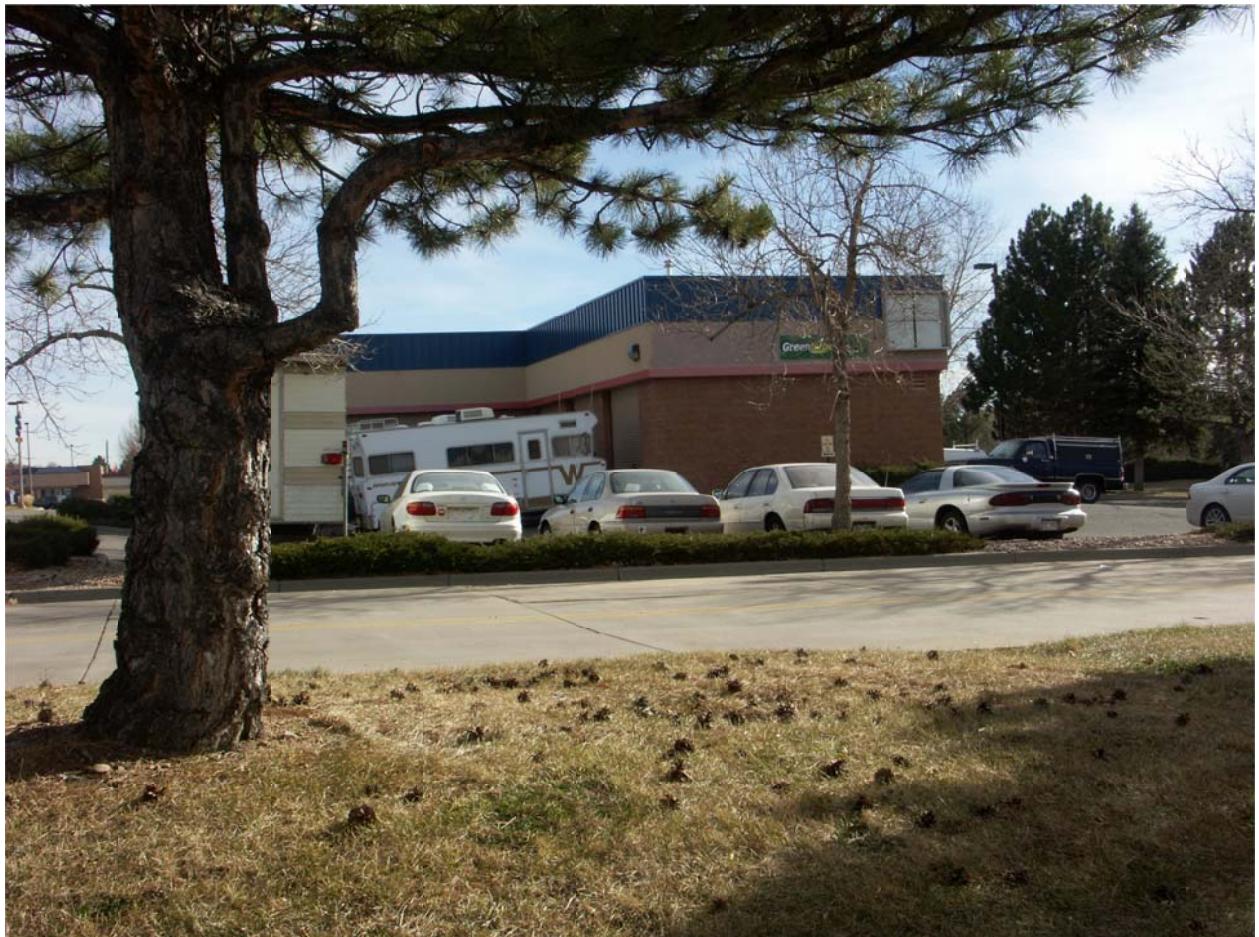
I declare under penalty of perjury that the foregoing is true and correct.

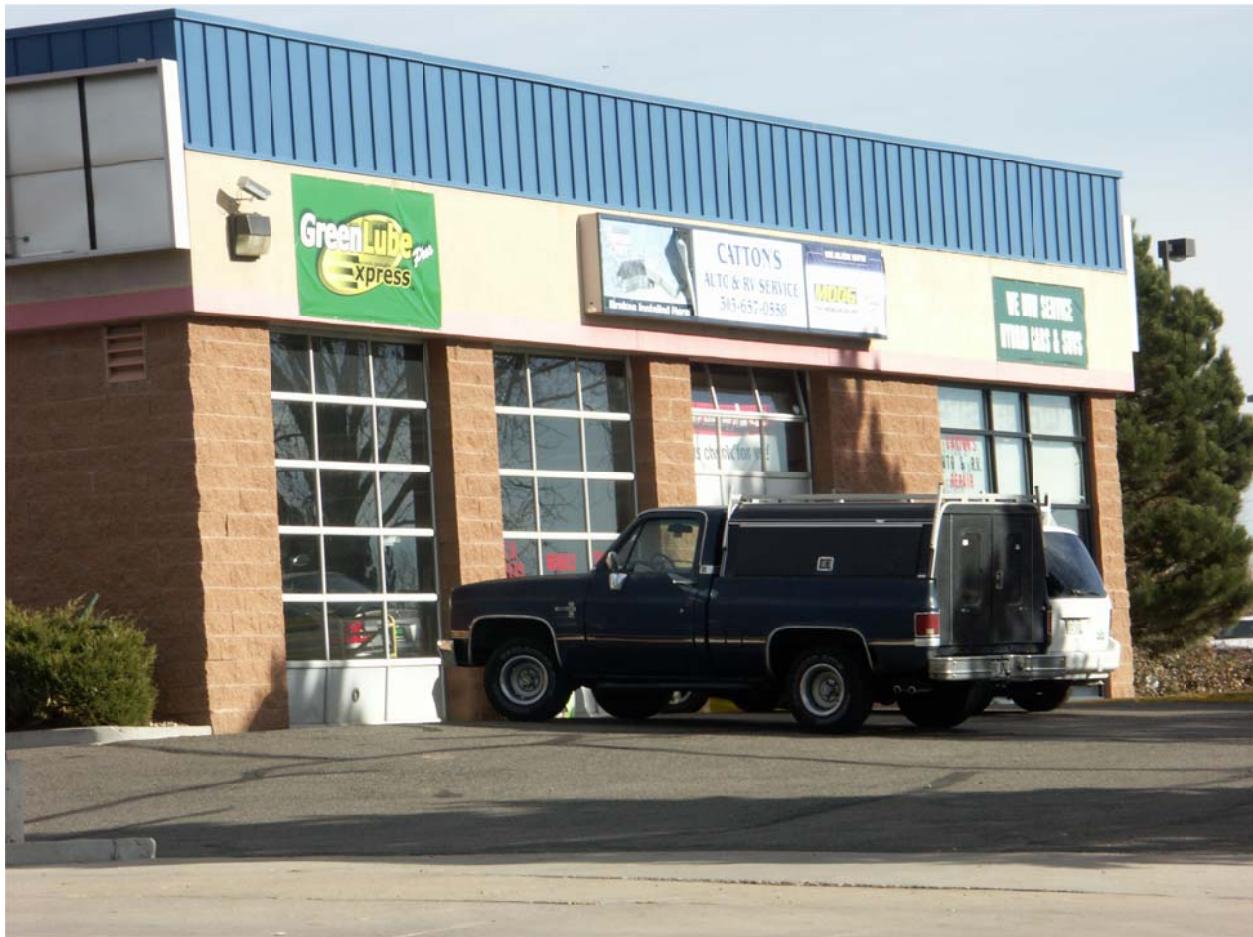
Executed on this the 9th day of December, 2010.

Kevin Holliday

Exhibit A













CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Fourth Declaration of Kevin Holliday and Notice of Electronic Filing were sent this day via Federal Express Delivery to the following addressee:

Dennis Catton
6566 S. Killarney Court
Aurora, CO 80016

This the 9th day of December, 2010.

s/ Amy K. Reynolds
N.C. State Bar No. 21266
Attorney for Plaintiff
Meineke Car Care Centers, Inc.
128 South Tryon Street, Suite 900
Charlotte, NC 28202
Telephone: (704) 644-8144
Fax: (704) 358-4706
E-mail: amy.reynolds@drivenbrands.com